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Attorneys for Plaintiff
RAMBUS INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

RAMBUS INC.,

Plaintiff,

v.

NVIDIA CORPORATION,

Defendant.

Case No. C-08-03343 JCS

**NOTICE OF PENDENCY OF
OTHER ACTION OR
PROCEEDING PURSUANT TO
CIVIL LOCAL RULE 3-13**

1 Pursuant to Civil Local Rule 3-13, Rambus submits this Notice of Pendency of Other
2 Action or Proceeding. Civil Local Rule 3-13(b) provides that a party must file such a notice if
3 the party is aware that an action pending in the Northern District of California “involves all or a
4 material part of the same subject matter and all or substantially all of the same parties as another
5 action which is pending in any other federal or state court....”

6 Rambus filed the present action, *Rambus Inc. v. NVIDIA Corporation*, in this District on
7 July 10, 2008.¹ One day later on July 11, 2008, NVIDIA filed a complaint against Rambus,
8 *NVIDIA Corporation v. Rambus, Inc.*, Civil Action No. 1:08-CV-473, in the U.S. District Court
9 for the Middle District of North Carolina, purporting to allege federal antitrust and state claims
10 relating to Rambus’s patent enforcement. The parties involved in each case - Rambus and
11 NVIDIA - are identical. NVIDIA specifically references the present action in its complaint and
12 apparently seeks to preclude Rambus from enforcing patents asserted in the present action.

13 In response to Civil Local Rule 3-13(b)(3)(B), Rambus notes that the present patent
14 enforcement action was first-filed by Rambus as compared to the action filed by NVIDIA
15 seeking to preclude Rambus from enforcing its patents, and that both Rambus and NVIDIA have
16 their principal places of business in this District. Therefore, regarding the issue of whether
17 transfer or coordination is proper, *see* Civ. L. R. 3-13(b)(3)(B), Rambus notes that for at least
18 these reasons, upon the proper motion, the Court for the Middle District of North Carolina may
19 consider whether to transfer that action to the present District.

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25 ¹ Other patent actions involving Rambus are pending in the Northern District before the
26 Honorable Ronald M. Whyte (case nos. CV 00-20905 RMW, C 05-00334 RMW, C 05-002298
27 RMW and C 06-00244 RMW). As required by Civil Local Rule 3-12, Rambus is filing in those
28 actions an Administrative Motion for the Court there to consider whether the present action
should be deemed “related” to those earlier-filed actions.

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Respectfully submitted,

DATED: August 7, 2008

MCKOOL SMITH P.C.
THE TURNER LAW FIRM

By: /s/ Pierre J. Hubert

Attorneys for Plaintiff
RAMBUS INC.